





VPDES Industrial Stormwater General Permit

2019 – 2024 Reissuance

Office of VPDES Permits
Virginia Department of Environmental Quality

This presentation is an effort by DEQ's Office of VPDES Permit to provide assistance to our permittees. This presentation is an overview of the VPDES Industrial General Permit as such does not cover every requirement/condition of permit coverage. The information provided in this presentation is not comprehensive and does not relieve a permittee of any regulatory or statutory requirement.

Overview

- Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation of Discharges of Stormwater Associated with Industrial Activity – 9VAC25-151 <https://law.lis.virginia.gov/admincode/title9/agency25/chapter151/>
- Industrial Stormwater General Permit Regulation effective date July 1, 2019 and expires June 30, 2024
- Approximately 1,300 facilities covered
- DEQ facilitated 6 Technical Advisory Committee meetings in 2018
- Technical Advisory Committee composed of 23 members representing industry, government, and environmental group interests
- State Water Control Board approved final regulation on April 15, 2019

Permitting Basics

- Clean Water Act (CWA) – The CWA made it unlawful to discharge any pollutant from a **point source** into waters, unless a permit was obtained.
- Point Source means any discernible, confined, and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water run-off.
- National Pollutant Discharge Elimination System (NPDES) v/s Virginia Pollutant Discharge Elimination System (VPDES)

Permitting Basics

- Individual Permit - An individual permit is a permit specifically tailored to an individual facility. A complete application is received and then DEQ develops a permit for the facility based on information contained in the application (type of activity, nature of discharge, receiving water quality, etc.).
- General Permit - A general permit is a potential alternative to an individual permit and affords coverage to new and existing dischargers that meet the eligibility criteria given in the general permit. In Virginia, general permits must be written as permits and adopted as regulations. Since they are regulations, they must be adopted using the Administrative Process Act (APA) requirements, which specify a standard adoption process and **public participation/public input procedures**.

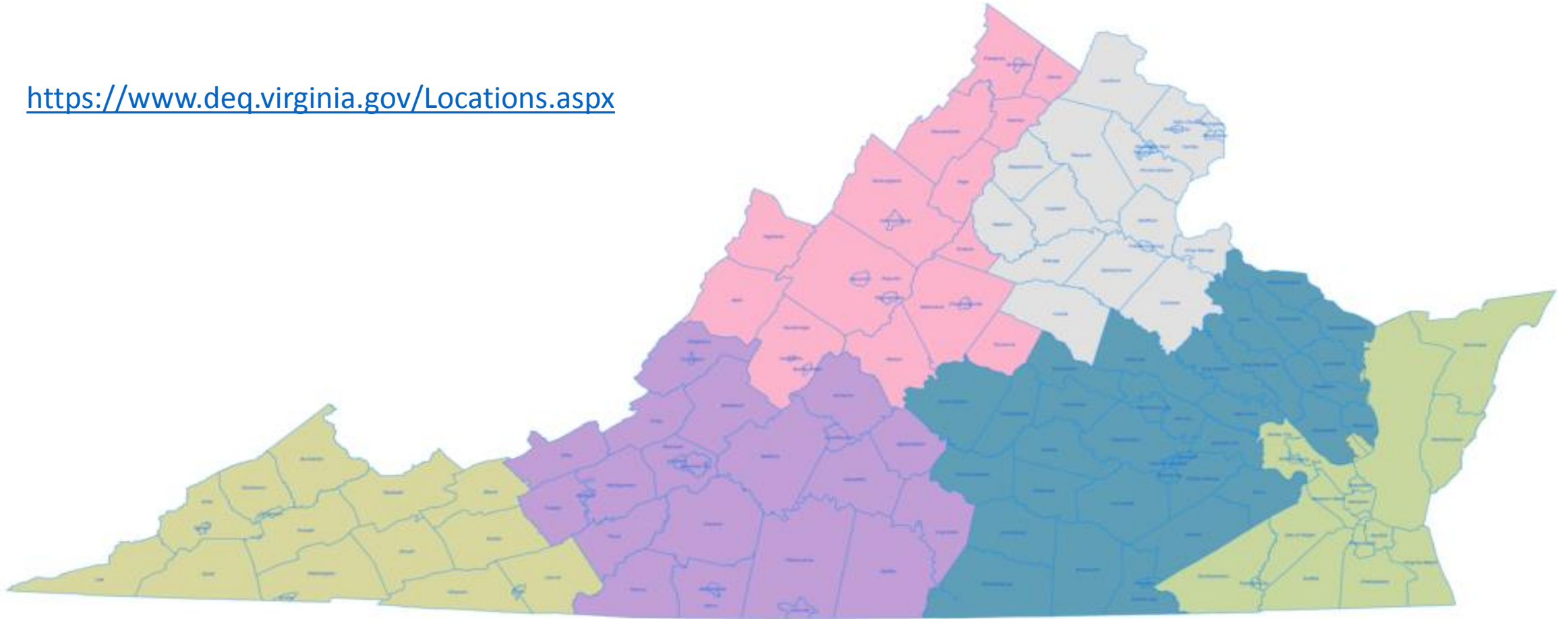
General Permit Regulation Development (APA Exempt Action)

- Notice of Intended Regulatory Action – *solicit Technical Advisory Committee (TAC) members & public comment period*
- TAC Meetings – open to the public, typically industry, government, & environmental interests represented – *provide technical resources*
- DEQ develops draft regulation
- State Water Control Board (SWCB), a citizen board appointed by the Governor, approves draft regulation to go out to public notice and a *public comment period* (60 days)
- *Public Hearings* DEQ staff presentation and receive public comment
- DEQ answers *comments* and prepares final regulation
- SWCB approves final regulation – *if you provided comment you may speak to the comment response at the SWCB meeting*
- Final Regulation is published and becomes effective

All documentation published at: <https://townhall.virginia.gov/>

DEQ Regional Offices – Issue Permit Coverage & Contact for Permit Coverage/ Compliance Questions

<https://www.deq.virginia.gov/Locations.aspx>



Stormwater Basics

- Stormwater runoff is generated when precipitation flows over land or impervious surfaces and it accumulates debris, chemicals, sediment, or other pollutants that could adversely affect water quality.
- The primary method to control stormwater discharges is the use of Best Management Practices (BMPs) to prevent or reduce the discharge of pollutants to surface waters.
- *"Best management practices" or "BMPs" means schedules of activities, practices, prohibitions of practices, structures, vegetation, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the discharge of pollutants to surface waters.*
- Most stormwater discharges are considered point sources and require coverage under a permit issued by the DEQ.
- VPDES program regulates stormwater discharges for:
 - Municipal Separate Stormwater Systems (MS4s)
 - Construction Projects
 - Industrial Activity

Industrial Stormwater General Permit (ISW GP)

- Point source stormwater discharges only
 - *In general, if it isn't rain or snow melt it shouldn't be discharged*
- General Permit coverage via registration
- Limited authorized non-stormwater discharges
- Organized by “Sectors” based on Standard Industrial Classification (SIC) Codes <https://www.osha.gov/pls/imis/sicsearch.html>

How Do I Register for Permit Coverage?

- Review the Industrial Stormwater Regulation (9VAC25-151)

<https://law.lis.virginia.gov/admincode/title9/agency25/chapter151/>

- New Facilities must have prepared and implemented a Stormwater Pollution Prevention Plan (SWPPP) prior to being issued coverage under the Industrial Stormwater General Permit

- Visit DEQ Website for Forms- Registration Statement & Fee Form — (new facilities must submit 60 days prior to commencement of industrial activities)

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination.aspx>

- Or obtain **No Exposure Certification**

No Exposure Certification

- Review the VPDES Permit Regulation (9VAC25-120 E) Storm Water Discharges

<https://law.lis.virginia.gov/admincode/title9/agency25/chapter31/section120/>

- Visit DEQ Website for *No-exposure Certification from VPDES Stormwater Permitting Requirements* form

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination.aspx>

- Submit completed form (every 5 years) to the appropriate DEQ Regional Office

*Your facility is required to comply with the Industrial Stormwater General Permit until DEQ has sent notification that your request for No Exposure Certification is **approved**.*

ISW GP Basic Requirements

- Stormwater Pollution Prevention Plan (SWPPP)
- Monitoring (Semi-annual)
- Routine Facility Inspections (Quarterly)
- Corrective Actions
 - Monitoring Exceedances
 - Routine Facility Inspection Deficiencies

ISW GP SWPPP

Purpose is to document the selection, design, and installation of control measures, including BMPs, to minimize the pollutants in all stormwater discharges.....

Must be updated within 90 days of coverage for existing facilities and implemented before coverage for new facilities

Contents:

- Pollution Prevention Team
- Site Description (activities, map, receiving waters)
- Summary of Potential Pollution Sources
- Stormwater Controls
- Routine Facility Inspections
- Maintenance
- Nonstormwater Discharges
- Signature and Review – ***The SWPPP and all changes must be signed and dated and immediately available***

Modifications shall be made no later than 60 days

ISW GP Monitoring

- Quarterly Visual
- Benchmark
- Effluent Limitation
- Total Maximum Daily Load (TMDL) for Impaired Waters

Quarterly Visual Monitoring

- Conducted quarterly (Jan-Mar, April-June, July-Sept, Oct-Dec) – ALL FACILITIES
- Normal working hours
- Collect sample and visual inspect in a well lit area
- Report includes the outfall location, the examination date and time, examination personnel, the nature of the discharge (i.e., runoff or snow melt), visual quality of the stormwater discharge (including observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution), and probable sources of any observed stormwater contamination
- Document visual monitoring in accordance with your permit and maintain on site with your SWPPP
- Do not submit to DEQ

Benchmark Monitoring

- Semi-annual basis (Jan-June, July-Dec) – ALL FACILITIES EXCEPT THOSE IN SECTOR AE
- Collect sample and submit to a VELAP- certified lab

<https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-accreditation/find-a-lab/>

- Normal working hours not applicable
- Values exceeding benchmark concentrations are not permit violations but do require corrective action – review/ modify SWPPP to address deficiencies within 60 days
- Submit benchmark monitoring data to DEQ via electronic Discharge Monitoring Report platform

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/ElectronicDMRsubmissions.aspx>

- Benchmark monitoring waivers – consistently below benchmark w/o compliance issues, adverse weather, no measurable precipitation event, & inactive sites

Numeric Effluent Limitation Monitoring

- Semi-annual basis (Jan-June, July-Dec) – LIMITED SET OF FACILITIES
- Collect sample and submit to a VELAP- certified lab

<https://dgs.virginia.gov/division-of-consolidated-laboratory-services/certification-accreditation/find-a-lab/>

- Normal working hours not applicable
- Values exceeding effluent limitations **are permit violations**
- Submit effluent limitation monitoring data to DEQ via electronic Discharge Monitoring Report platform

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/ElectronicDMRsubmissions.aspx>

- Waivers and substantially identical outfall monitoring provisions are not available for effluent limitations

Total Maximum Daily Load (TMDL) Monitoring

- A TMDL is the total amount of a certain pollutant that a water body can receive without exceeding water quality standards

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination/PermitsFees.aspx#isw>

- TMDL studies are required by law
- A TMDL must be developed if a waterbody is listed as impaired for any of its designated uses
- Reducing existing pollutant loads to the TMDL end point load is expected to restore water quality
- Facilities will be notified by DEQ if required to perform TMDL monitoring (submitting samples to VELAP-Certified Lab)

Chesapeake Bay TMDL Monitoring

- Facilities will be notified by DEQ if required to perform Chesapeake Bay TMDL monitoring (submitting samples to VELAP-Certified Lab)
- New facilities will be required to collect a total of four samples for Total Suspended Solids (TSS), Total Nitrogen (TN)*, & Total Phosphorus (TP) during the first four monitoring periods of coverage

*Total Nitrogen is the sum of total Kjeldahl nitrogen (TKN), nitrate, & nitrite

- Facilities covered under the 2014 ISW GP may use samples from previous permit terms (before 2019) to satisfy the required four sample requirement

Chesapeake Bay TMDL Monitoring - Reporting

- All facilities must calculate their facility loads (TSS, TN, &TP) using the four required samples for each constituent.

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination.aspx>

- Facilities who collected the four samples during the previous (2014-2019) permit term shall submit these calculations to their regional office within 60 days of receiving permit coverage
- New facilities and facilities who did not complete the monitoring during the previous permit term shall submit these calculations to their regional office within 90 days of completing the fourth monitoring period
- Calculation determines if facility must submit a Chesapeake Bay TMDL Action Plan

Chesapeake Bay TMDL Monitoring – Action Plan

- If the facility's calculation determines that a Chesapeake Bay Action Plan is necessary for one or more constituent (TSS, TN, or TP) - the facility must prepare an Action Plan on DEQ's form and submit to the regional office

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination.aspx>

- Facilities who collected the four samples during the previous (2014-2019) permit term shall the Action Plan to their regional office within 60 days of receiving permit coverage
- New facilities and facilities who did not complete the monitoring during the previous permit term shall submit the Action Plan to their regional office within 90 days of completing the fourth monitoring period

Chesapeake Bay TMDL Monitoring – Action Plan Annual Report

- A permittee required to develop and implement a Chesapeake Bay TMDL Action Plan shall submit an annual report to the department by June 30 of each year describing the progress in meeting the required reductions.

<https://www.deq.virginia.gov/Programs/Water/PermittingCompliance/PollutionDischargeElimination.aspx>

- Chesapeake Bay TMDL Action Plan Reporting Waiver

1. Reduce load utilizing BMPs from the VA Stormwater BMP Clearinghouse, approved BMPs found on the Virginia Stormwater Clearinghouse website, or BMPs approved by the Chesapeake Bay Program. Any BMPs implemented to provide the required pollutant reductions shall be incorporated in the SWPPP and be permanently maintained by the permittee
2. Implementation of site-specific BMPs followed by a minimum of four stormwater samples that demonstrate pollutant loadings have been reduced
3. Acquisition of nonpoint source credits certified by the board as perpetual in accordance with § 62.1-44.19:20 of the Code of Virginia.

Routine Facility Inspections

- *Personnel who posses the knowledge and skills to assess conditions and activities.... Shall regularly inspect all areas of the facility where industrial materials are exposed to stormwater...*
- Frequency specified in the SWPPP – minimum of 1 * Quarter- during normal working hours- 1 * Year during a stormwater discharge
- Results documented in SWPPP
- Deficiencies corrected within 60 days

Corrective Actions

Data Exceeding Benchmark Monitoring Value

- Permittee shall review and modify SWPPP to correct (within 60 days)
- Control measure implementation before next storm event if possible but no later than 60 days – *unless otherwise approved by the department*
- Control measure construction – document schedule in SWPPP – completion as expeditiously as possible but within 3 years – must also use temporary controls until construction is completed
- All modifications documented, dated, and signed in SWPPP

Corrective Actions

The permittee shall take corrective action whenever:

- 1.) An inspection, routine facility or by an official, determines modifications are necessary
- 2.) Exceedance of an effluent limitation, TMDL wasteload allocation, or reduction required by a local municipality's ordinance to meet Chesapeake Bay TMDL requirements
- 3.) DEQ determines, or the permittee is aware, that water quality standards are not being met

Again... modifications within 60 days – documented, dated, and signed

Follow-up reporting within 30 days of implementing corrective actions taken due to exceedance of effluent limitations, TMDL wasteload allocation, or water quality standards.

Overview of Significant Changes to 2019 ISW GP Regulation

- New Regulation in effect July 1, 2019
- Sector Reorganization
 - This includes moving facilities with no analytical benchmark monitoring requirements to a new Sector AE and facilities with only TSS analytical benchmark monitoring requirements to a new Sector AF.
 - Reorganization includes the proposed repeal of 9 sectors.

Overview of Significant Changes to 2019 ISW GP Regulation

- Sector AD – The board shall establish any additional monitoring requirements for your facility prior to authorizing coverage under this permit.
- Facilities seeking coverage under the general permit will be required to notify MS4s of discharges and provide documentation of this notification at the time of registration
- Removal of Benchmark Parameters
 - Parameters not required by EPA's MSGP
 - Data analysis from the current permit term indicates that these constituents are not a water quality concern

Overview of Significant Changes to 2019 ISW GP Regulation

- Chesapeake Bay TMDL Requirements
 - All dischargers to submit calculations to permit staff
 - Dischargers reporting values greater than permitted TSS, TN, or TP loading rates must submit and implement a Chesapeake Bay TMDL Action Plan including annual update reports – any changes to industrial acreage during permit term requires recalculation
 - Annual reporting waivers available for those facilities that can document: the installation and maintenance of recognized BMPs, the purchase of perpetual credits, or implementation of other BMPs where 4 samples demonstrate the facility has met the required reductions

Overview of Significant Changes to 2019 ISW GP Regulation

- Electronic reporting requirements to meet 9VAC25-31-1020
- New housekeeping requirements including: waste disposal, material storage, minimize exposure of materials to stormwater, and eliminate discharges of plastics
- New control measure requirements including: prevent or divert run-on, spills shall be contained or diverted before discharge, spills shall be cleaned up immediately, store leaking equipment under cover, use overflow protection, and perform vehicle maintenance under cover

Overview of Significant Changes to ISW GP Regulation

- Revised routine site inspection requirements to include evaluations of: areas where spill or leaks have occurred, discharge points, and control measures
- Removed annual comprehensive site compliance evaluation
- Removed redundant PART IV sector-specific requirements

“Surviving” Compliance Inspections

- Inspections will most likely be unannounced
- Have all required documentation in SWPPP and immediately available (train staff)
- Know the locations of all the facility outfalls (train staff)
- Document, Date, & Sign! – the SWPPP is a living document and must be updated with every modification
- Talk to DEQ – we want your facility to be in compliance not in enforcement

Important Deadlines to Remember

- Chesapeake Bay TMDL Calculations – within 60 days of coverage
- Chesapeake Bay TMDL Action Plan – within 90 days of collecting 4th sample
- Chesapeake Bay TMDL Action Plan Annual Update - June 30 of each year following submission of Chesapeake Bay TMDL Action Plan
- SWPPP – updated within 90 days of coverage

Contacts

General Permit Coverage Questions – Regional Permit Writer

General Permit Compliance Issues – Regional Water Inspector